

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 38) and incorporates it herein. Accordingly, Defendant's motion to dismiss (ECF No. 26) is **GRANTED**, and all remaining motions are **DENIED** as moot.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

September 8, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.